

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 12 JUN 2006

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Applicant's or agent's file reference 4878PTWO/AG/1a	FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/EP2005/051390	International filing date (day/month/year) 24.03.2005	Priority date (day/month/year) 24.03.2004	
International Patent Classification (IPC) or national classification and IPC INV. C25D3/32			
Applicant DANIELI & C. OFFICINE MECCANICHE S.P.A. et al.			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 4 sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).			
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application			
Date of submission of the demand 18.01.2006		Date of completion of this report 09.06.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized officer Hammerstein, G Telephone No. +49 89 2399-8175	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2005/051390

Box No. I Basis of the report

1. With regard to the **language**, this report is based on

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-10 as originally filed

Claims, Numbers

1-9 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2005/051390

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-8
	No: Claims	9
Inventive step (IS)	Yes: Claims	1-8
	No: Claims	9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

The documents

- D1: RU-C-2 103 418 (AKTSIONERNOE OBSHCHESTVO OTKRY; RSKIJ METALL KOM) 27 January 1998 (1998-01-27)
D2: RU-C-2 114 218 (AKTSIONERNOE OBSHCHESTVO OTKRY; RSKIJ METALL KOM) 27 June 1998 (1998-06-27)

disclose a process from which the subject-matter of claims 1-8 is distinguished by the molecular weight of the copolymer additive in the tin plating composition only. While the comparative example 3 shows that the quality of the tin plating is improved by the lower molecular weight of the copolymer for a given set of plating parameters, there is no hint that the plated strip or plate per se could be distinguished from a plated strip or plate produced according to a prior art process, using different plating parameters (e.g. current density). This is supported by the summary of the invention as set out on page 3, lines 8-19.

Product-by-process claim 9 refers to the process as defined in claim 3 which itself is characterized by the tinning composition used. It further specifies the tin coating by its weight and its relative porosity. The examples provided by the applicant show that for a specific combination of process parameters a coating may be obtained which is distinguished over a prior art coating equally deposited under a specific combination of process parameters by its porosity and overcoating performance. In claim 9 the relative porosity is defined to be "about 0.06%" as compared to 0.08% of the prior art. This is considered to fall within the scope of "about 0.06%". Moreover, claim 9 does not define how the relative porosity is determined. Furthermore, when varying the process parameters within the ranges specified in D1 or D2 it can be expected that the resulting relative porosity would also vary.

The subject-matter of claim 9 is therefore considered not to be new (Article 33(2) PCT).